

BOARD OF APPEALS CASE NO. 4931

BEFORE THE

APPLICANT: Craig Shriver

ZONING HEARING EXAMINER

REQUEST: Variance to construct a deck
within the required front yard setback;
904 Buckland Place, Bel Air

OF HARFORD COUNTY

Hearing Advertised

Aegis: 6/23/99 & 6/30/99

Record: 6/25/99 & 7/2/99

HEARING DATE: August 4, 1999

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Craig Shriver, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, and Section 267-23(C)(1)(a)(2) of the Harford County Code, to construct a deck within the required 27 foot front yard setback in an R2/COS District.

The subject parcel is located at 904 Buckland Place in the Third Election District. The parcel is identified as Parcel No. 397, in Grid 3-D, on Tax Map 41. The parcel contains .054 acres, more or less, all of which is zoned R2/COS.

Mr. Craig Shriver appeared and testified that the subject parcel is improved by a townhouse and that he is attempting to secure a permit to construct a deck with dimensions of 12 feet by 20 feet. The Applicant said that the Code requires a 27 foot setback and he is proposing a 22 foot setback. Mr. Shriver said that the subject parcel is unique because it faces Buckland Place but also abuts Crescent Knoll Drive to the rear of the townhouse. The witness said that because the parcel abuts two roads, he must comply with two front yard setbacks, thereby reducing the usable area on the parcel. The witness said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because his townhouse is one of a group of four and the other three townhouses have already constructed decks to the rear of the units.

No protestants appeared in opposition to the Applicant's request, and the Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

"The subject property is a double-frontage lot in the Southampton subdivision. The townhouse faces Buckland Place and abuts Crescent Knoll Drive. The lots on this side of Buckland Place were double-frontage lots requiring front yard setbacks from both roads."

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CONCLUSION:

The Applicant is requesting a variance to Section 267-36(B), Table V, and Section 267-23(C)(1)(a)(2) of the Harford County Code, to construct a deck within the required 27 foot front yard setback in an R2 District.

Section 267-23(C)(1)(a)(2) provides:

"The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:

[2] Bay windows, balconies, chimneys or porches: three (3) feet."

Section 267-36(B), Table V, requires a 30 foot front yard setback and Section 267-23(C)(1)(a)(2) allows a 3 foot encroachment; therefore, the Applicant is required to maintain a 27 foot front yard setback. The Applicant is proposing a 22 foot front yard setback.

The evidence indicates that the subject parcel is unique because it has frontage on Buckland Place and Crescent Knoll Drive. The evidence also indicates that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code because no protestants appeared and testified in opposition to the Applicant's request and due to the fact that the other three units attached to the Applicant's townhouse have already constructed decks.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved for the reasons stated by the Applicant in his testimony and, further, it is the finding of the Hearing Examiner that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Approval of the variance shall be subject to the following conditions:

1. The Applicant maintain a 22 foot setback from Crescent Knoll Drive.
2. The Applicant obtain all necessary permits and inspections for the deck.

Date AUGUST 19, 1999



L. A. Hinderhofer
Zoning Hearing Examiner